

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARILYN BOOKER, individually, and on behalf of similarly situated Black female employees,

Plaintiff,

v.

MORGAN STANLEY & CO. LLC, JAMES GORMAN, in his individual and professional capacities, and BARRY KROUK, in his individual and professional capacities,

Defendants.

Civil Action No. 1:20-cv-02662-KAM-LB

NOTICE OF DEFENDANTS' PARTIAL MOTION TO DISMISS

PLEASE TAKE NOTICE that Defendants Morgan Stanley & Co. LLC, James Gorman, and Barry Krouk (collectively, "Defendants") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Local Rules for the United States District Court for the Eastern District of New York, and the Chambers Practices of this Court, and upon (1) the accompanying Memorandum of Law in support of this Motion; (2) the Declaration of Grace E. Speights and accompanying exhibits; and (3) the pleadings and records on file in this action, and on such other and further evidence or argument as may be presented at or before the hearing of this Motion, will move before the Honorable Kiyo A. Matsumoto, United States District Judge, at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York 11201, for an Order granting Defendants' Partial Motion to Dismiss Plaintiff Marilyn Booker's Second Amended Complaint with prejudice.

The return date on this Motion shall be designated by the Court.

Dated: January 29, 2021

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Grace E. Speights

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2021 I caused true and correct copies of the Notice of Defendants' Partial Motion to Dismiss, Memorandum of Law in Support of Defendants' Partial Motion to Dismiss, the Declaration of Grace E. Speights and accompanying exhibits, and Defendants' Request for Oral Argument to be served via electronic mail on:

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